THE HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No. 16554 of 2004.

DATED: 21-11-2006

Between:

P. Suribabu.

…petitioner

and

Southern Power Distribution Company of A.P. Ltd.,
Tirupati, Chittoor District represented by its
Managing Director and others.

…Respondents.

THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P. No. 16554 of 2004.

Oral order:

The petitioner filed this writ petition seeking to declare the action of the respondents in denying appointment to the post of Sub-Engineer under the category of "Not genuine" as illegal and arbitrary and consequently to direct the respondents to appoint him to the said post.

The petitioner states that he applied for the post of Sub-Engineer on the strength of a certificate dated 28-7-1997, issued by the Contractor, which was counter-signed by the Assistant Divisional Engineer, C.C.O. Sub-Division, Tirupati. According to the said certificate, the petitioner had worked as casual labour from February 1994 to July, 1997. It is the case of the petitioner, that the respondents in pursuance of the notification issued by them on 21-5-2001 while considering the candidatures of the applicants, accepted similar certificates in the cases of some persons, while they rejected the certificate produced by the as not being genuine. According to the petitioner, immediately after notifying the rejection in the notice board, he made a representation dated 2-6-2004 to the respondents, enclosing xerox copies of the bank cheques issued by the Contractor to establish that he was working under the Contractor as on that date, but the respondents did not pass any order. Therefore, he filed the present writ petition.

The respondents, in the counter filed by them, *inter alia* stated that the Inspector of Police, Vigilance and Anti Power Theft Squad, upon enquiry, reported that the certificate produced by the petitioner is bogus, as the petitioner was never engaged by the Contractor as a contract labour. The counter denied issuance of bank cheques in

favour of the petitioner towards payment of salary. They, however, admitted that they have not passed any orders on the representation made by the petitioner.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents, and having regard to the fact that the respondents have admitted that they not passed any orders on the representation of the petitioner,

I deem it appropriate to dispose of the writ petition with the following directions:

The 3rd respondent is directed to consider and dispose of the representation of the petitioner in the light of the certificate and bank cheques issued by the Contractor, evidencing that the petitioner worked with him and that he was paid salary by way of cheques, and pass appropriate speaking order within a period of two months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

N.V. RAMANA, J

21st November, 2006.
GRR